

Attorney Docket No. CRICP-001A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Xiang Feng Dai)
(Deceased))

Art Unit: 1724

Serial No.: 10/672,926)

Examiner: To Be Determined

Filed: September 26, 2003, Herewith)

For: Moving Bed Adsorber/Desorber and)
Low Flow (High Yield) Desorber)
Devices and Their Methods of Use)

Mail Stop Missing Parts/Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Response to Notice to File Missing Parts
and
Petition Under 37 C.F.R. §§ 1.42 and 1.47**

Dear Sir:

This responds to the Notice to File Missing Parts of Nonprovisional Application dated January 5, 2004. A three (3) month extension of time is hereby petitioned for under 37 C.F.R. §1.136.

Statement Regarding Small Entity Status:

The applicant is a small entity.

Submissions in Response to Notice to File Missing Parts:

Enclosed herewith are the following:

- Check No. 3467 in the amount of \$1265.00 (\$790.00 application filing fees and \$475.00 fees due under 37 C.F.R. §1.136);
- Check No. 3468 in the amount of \$130.00 for filing of a petition under 37 C.F.R. §§ 1.42 and 1.47;

07/14/2004 DENRRH01 00000067 10672926

475.00 OP

05 FC:2253

07/14/2004 DENRRH01 00000067 10672926

130.00 OP

06 FC:1460

- A copy of the Notice to File Missing Parts of Nonprovisional Application
- Declaration of Inventorship and Limited Power of Attorney (Unsigned)
- Statement of Ownership and Power of Attorney by Assignee (Signed)

Petition Under 37 C.F.R. §§ 1.42 and 1.47

Applicant hereby petitions to proceed without the signature of the inventor Xiang Feng “David” Dai who is deceased and without the signature of the decedent’s legal representative, who has refused to sign.

A Declaration Supporting Petition Under 37 C.F.R. §§ 1.42 and 1.47, which includes corroborating documentation, is enclosed herewith.

As stated in the accompanying declaration, the sole inventor, Xiang Feng “David” Dai, was retained by Chemical Recovery International, Inc. as a research and development consultant. On March 4, 2002, Dr. Dai executed a “Consultant’s Confidential Information and Development Agreement” (hereinafter “Agreement”) which remained in effect until Dr. Dai’s death on August 7, 2003. A copy of this Agreement is attached to the accompanying declaration as Exhibit A. A copy of Dr. Dai’s obituary is attached to the accompanying declaration as Exhibit B.

In paragraph 3 of the Agreement (Exhibit A) Dr. Dai assigned to Chemical Recovery International, Inc. all “ideas and materials developed, invented or discovered by me during the period of my retention” as well as the “entire right, title and interest” in all of his “Developments” as defined therein. Additionally, in paragraph 3, Dr. Dai appoints Chemical Recovery International, Inc. as his “attorney in fact with the right to execute assignments of and to register any and all rights to the Developments.”

Subsequent to Dr. Dai’s death on August 7, 2003, the management of Chemical Recovery International, Inc. requested Dr. Dai’s surviving spouse, Dong Dai, who was believed to be the legal representative of Dr. Dai’s estate, to execute a declaration of inventorship and patent application assignment. Ms. Dai refused to execute such documents.

Subsequent to the filing of this patent application, the assets of assignee Chemical Recovery International, Inc., including this patent application, were assigned to TW Consultants, L.L.C., 1536 Winchester Avenue, Suite 202, Ashland, KY 41101.

Thus, in view of the facts attested to in the accompanying declaration and further in view of its having been appointed “attorney-in-fact” in paragraph 3 of the Agreement (Exhibit A),

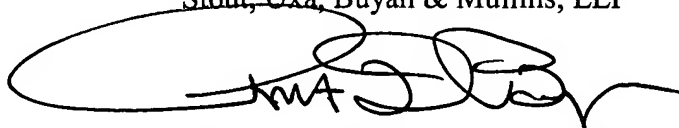
Chemical Recovery International, Inc. and its successor TW Consultants L.L.C. hereby petition the Commissioner to proceed with prosecution of this patent application without the signature of inventor Xiang Feng Dai (who is deceased) or his legal representative (who has refused to sign).

If any further documentation or information is required, the petitions examiner is requested to contact the assignee's undersigned counsel.

The Commissioner is hereby authorized to change any underpayment or additional fee properly deemed to be due from Deposit Account No. 50-0878.

Respectfully submitted,
Stout, Uxa, Buyan & Mullins, LLP

Date: July 6, 2004

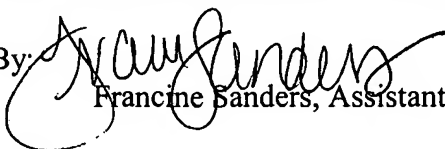
A handwritten signature in black ink, appearing to read "R. Buyan", with a large, loopy flourish extending from the end.

Robert D. Buyan, Reg. No. 32,460

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts/Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 6, 2004

Dated: July 6, 2004

By: 
Francine Sanders, Assistant